

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, *et al.*,
Plaintiffs,

vs.

KWAME RAOUL, *et al.*,
Defendants.

Case No. 3:23-cv-209-SPM
** designated Lead Case

DANE HARREL, *et al.*,
Plaintiffs,

vs.

KWAME RAOUL, *et al.*,
Defendants.

Case No. 3:23-cv-141-SPM

JEREMY W. LANGLEY, *et al.*,
Plaintiffs,

vs.

BRENDAN KELLY, *et al.*,
Defendants.

Case No. 3:23-cv-192-SPM

FEDERAL FIREARMS LICENSEES
OF ILLINOIS, *et al.*,
Plaintiffs,

vs.

JAY ROBERT “J.B.” PRITZKER, *et al.*,
Defendants.

Case No. 3:23-cv-215-SPM

**AMENDED MOTION FOR LEAVE TO FILE AMICUS BRIEF OF
SECOND AMENDMENT LAW CENTER**

The Second Amendment Law Center respectfully requests leave to file the

attached amicus brief in these consolidated cases. On March 17, 2023, the Second Amendment Law Center filed with this court a Motion for Leave to File Amicus Brief. The proposed brief was attached as Exhibit 1 to the Motion for Leave.

Amicus is filing this Amended Motion for Leave because, through an oversight, the March 17 proposed amicus brief was prepared in 14 point font and may not have been in compliance with Local Rule 7.1, which generally states that on motions briefs should not exceed 20 pages using 12 point font. Although the Southern District's Local Rules do not specify a time for filing an amicus brief, or a page limit, Amicus wishes to comply as closely as possible with this court's rules. Amicus is aware that the court has granted leave for two other amici to file briefs. The attached proposed brief has been reformatted using 12 point font, and text has been removed to ensure that the proposed brief is fewer than 20 pages. No text has been added. One typographical error has been corrected, and the Table of Contents has been updated to reflect the new pagination. If leave to file is granted, Amicus will file the brief attached to this Amended Motion, unless the court directs otherwise.

The filing of this Amended Motion for Leave and accompanying proposed amicus brief will not create delay, because the original Motion for Leave was filed on the afternoon of Friday, March 17, 2023, and this Amended Motion is filed on Sunday, March 19, 2023. This court has not yet acted on the original Motion, and no

significant time has elapsed. The text of the original Motion for Leave follows:

The Second Amendment Law Center is a 501(c)(3) nonprofit corporation headquartered in Henderson, Nevada. The Center promotes and defends the individual right to keep and bear arms. The Center also educates the public about the social utility of private firearm ownership and publishes accurate and truthful historical, criminological, and technical information about firearms.

Leave to file is requested principally because on March 9, 2023, Everytown for Gun Safety by motion requested leave to file an amicus brief (Doc. No. 46), and that motion was granted on March 14, 2023 (Doc. 47).

The Everytown brief presents a novel argument: that for purposes of determining the meaning of the Second Amendment, the time of ratification of Fourteenth Amendment (1868), which has been the vehicle for incorporating most provisions of the Bill of Rights, including the Second Amendment, should be the central focus. This is opposed to Supreme Court precedent, which has in numerous cases focused on 1791, the time that the Bill of Rights was ratified, to determine such meaning. It also contravenes other settled principles of the Supreme Court's incorporation jurisprudence. Although this argument was touched on in Defendants' Opposition, the Everytown brief makes a much more extended argument. The issue

is very important if this court decides to look at “historical analogues” under *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

Amicus agrees that the controlling authority in this case is furnished by the “common use” test in *Heller*. But if for any reason the court believes it should examine historical analogues, amicus would like to help ensure that the court is fully informed on the proper timing for such analogues, rather than just being presented with one side of the argument.

Accordingly, leave is requested to file the amicus brief submitted with this motion.

Respectfully submitted,

/s/ Dan M. Peterson

Dan M. Peterson

Pro hac vice

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Dated: March 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2023, an electronic PDF of the foregoing Motion for Leave to File Amicus Brief of the Second Amendment Law Center was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s/ Dan M. Peterson
Dan M. Peterson